IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 22518 of 2001

Between:

K. Koteswara Rao, aged 39 years,

R/o.D.No.1/7195, Ankalammapeta,

Pulivendula Post & Mandal,

Cuddapah District.

..... PETITIONER

AND

1. The APSRTC, rep. by its Chairman and

Managing Director, Mushirabad, Hyderabad.

2. The APSRTC, rep. by its Regional Manager,

Cuddapah Region, Cuddapah District.

3. The APSRTC, rep. by its Depot Manager,

Pulivendula Depot, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent and 3rd respondent by its proceedings No.PA/20B(77)/98-RM 'C', dt.4-2-1999 and proceedings No.E2/1(96)/84-ALG, dt.19-06-1988 is wholly illegal, arbitrary unjust and contrary to law and also violative of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution

of India and consequently direct the respondents to pay his increments with arrears to the petitioner with effect from 19-06-1988.

Counsel for the Petitioner: MS.B.MALLESWARI

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following:

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the 3rd respondent in deferring annual increment for a period of one year with cumulative effect, vide Proceedings No.E2/1 (96)/84-AGL, dated 19.6.1984 and also the action of the 2nd respondent in rejecting the review petition filed by the petitioner, vide Proceedings No.PA/20B(77)/98-RM 'C', dated 4.2.1999 as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents and perused the material placed on record.

Though the petitioner submitted a Medical Certificate issued by a Private Medical Practitioner to cover up his unauthorised absence from duty, two charges were framed against him on the allegation that he absented himself from duty without any prior intimation or sanction of leave causing inconvenience to the prompt running of the vehicle. After calling for his explanation, the impugned proceedings, dated 19.6.1984 were passed.

The learned counsel for the petitioner has contended that imposition of major penalty without conducting any regular departmental enquiry is not valid in accordance with the regulations of the respondents-Corporation and therefore, she prays to set aside the impugned order.

On the other hand, the learned standing counsel for the respondents has contended that there was abnormal delay in challenging the impugned order, and hence, he prays to dismiss the writ petition.

Admittedly, charges against the petitioner were framed on 8.5.1984 and no departmental enquiry was conducted. The imposition of deferment of annual increment for a period of one year with cumulative effect is a major punishment and at the same time, the petitioner kept quite all these long years. When the impugned order was passed in the year 1984, he filed an appeal in 1995 before the Deputy Chief Traffic Manager, Cuddapah and the same was rejected on 30.4.1998. Thereafter, the petitioner filed a Review Petition before the 2nd respondent and the same was also rejected on 4.2.1999. Thereafter, this writ petition has been filed within three years from the date of rejection of the Review Petition. The petitioner is not diligent in prosecuting the case. Therefore, on the ground of delay and latches on the part of the petitioner, this writ petition is devoid of merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. In the circumstances of the case, there shall be no order as to costs.

(K. C. BHANU, J.)

18th July, 2005

bcj

To

1. The Chairman and Managing Director,

APSRTC, Mushirabad, Hyderabad.

2. The Regional Manager, APSRTC,

Cuddapah Region, Cuddapah District.

3. The Depot Manager, APSRTC,

Pulivendula Depot, Cuddapah District.

4. Two C.D. Copies.